



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,045	07/21/2000	Masayuki Takayama	848075/0016	4035

29619 7590 01/12/2006
SCHULTE ROTH & ZABEL LLP
ATTN: JOEL E. LUTZKER
919 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

RAMPURIA, SHARAD K

ART UNIT PAPER NUMBER

2688

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,045

Applicant(s)

TAKAYAMA ET AL.

Examiner

Sharad Rampuria

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/05 has been entered.

Accordingly, Claims 1-4 are pending for further examination as follows:

Information Disclosure Statement

II. The Information Disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

Double Patenting

III. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Art Unit: 2688

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

IV. Claims 1-4 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending U.S. Application No. 11/249976. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the claimed limitations of the present U.S. Application No. 09/621045, for example, Claim 1 is explained in following table, is transparently found in Claim 1 of copending U.S. Application No. 11/249976 with obvious wording variations.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

<i>Instant Claim of U.S. Application No. 09/621045</i>	<i>Related Claim of U. S. Patent No. 11/249976</i>
1. A mobile telephone set comprising:	1. A mobile telephone, comprising:
Display means for displaying information including telephone numbers or characters comprising;	A display which displays information including telephone numbers or characters;
A first address data bus connected to principal integrated circuits such as control means and storage means; and	A first address data bus connected to a controller and a memory; and
A second address data bus for connecting said control means and said display means	A second address data bus connected to said controller and said display, and providing

Art Unit: 2688

independently of said first address data;	independently of said first address data bus,
wherein said control means controls said first address data bus and said second address data bus independently.	said controller controls said first address data bus and said second address data bus independently.

Claim Rejections - 35 USC § 103

V. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

VI. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jahagirdar et al.

(US 6125286) in view of Yoshida et al. (JP 405014540A)

Regarding claim 1, Jahagirdar disclosed a mobile telephone set comprising:

Display (130; Fig.1) means for displaying information including telephone numbers or characters (Col.2; 56-63) comprising;

A first address data bus connected to principal integrated circuits such as control means and storage means; (524; Fig.5, Col.4; 27-39) and

Jahagirdar fails to disclose a second address data bus for connecting said control means and said display means independently of said first address data. However, Yoshida teaches in an

Art Unit: 2688

analogous art, that a second address data bus (44; Fig.4) for connecting said control means and said display (36; Fig.4) means independently of said first address data; (42; Fig.4) wherein said control means controls said first address data bus and said second address data bus independently. (Abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Jahagirdar including a second address data bus for connecting said control means and said display means independently of said first address data in order to attain miniaturization and light weight by providing a bus for sending a control signal and stopping the transmission through the transmission bus when the portable terminal equipment receives a data.

VII. Claims 2 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahagirdar & Yoshida as applied to claims above and further in view of Szczutkowski et al.

Regarding Claim 2, the above combination disclosed all the particulars of the claim except controlled to prohibit access to said second address data bus while said communication means is receiving signals. However, Szczutkowski teaches in an analogous art, that a mobile telephone as claimed in claim 1, further comprising communication means for transmitting signals via a radio line wherein said control means is controlled to prohibit access to said second address data bus while said communication means is receiving signals. (Col.8; 7-44) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Jahagirdar & Yoshida including controlled to prohibit access to said second address data bus while said communication means is receiving signals in order to transmit separately.

Art Unit: 2688

VIII. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jahagirdar & Yoshida as applied to claims above and further in view of Kubes et al.

Regarding Claim 3, the above combination disclosed all the particulars of the claim except a lower voltage. However, Kubes teaches in an analogous art, that A mobile telephone as claimed in claim 1, wherein said second address data bus is driven by lower voltage than said first address data bus. (Col.5; 24-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Jahagirdar & Yoshida including a lower voltage in order to reduce the voltage used in LCD.


IX. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (9-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2688

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2688


GEORGE ENG
SUPERVISORY PATENT EXAMINER